

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NM-643

Application of Gordon and Karen Root for a)
certificate of public good for an interconnected net)
metered photovoltaic system)

Order entered: 9/17/2009

I. INTRODUCTION

This case involves an application filed by Gordon and Karen Root ("Applicants") on April 29, 2009, requesting a certificate of public good ("CPG") pursuant to 30 V.S.A. §§ 219a and 248 and Vermont Public Service Board ("Board") Rule 5.100 for a net metering system. The net metering system consists of 4 pole-mounted solar tracking photovoltaic arrays to be located on the Applicants' property in Charlotte, Vermont.

A copy of the application was sent, by the Applicants, to all parties as specified in the Board's Rule 5.100. The application stated that any party wishing to submit comments or request a hearing in this matter needed to file comments with the Board within thirty (30) days of the date that the application was sent.

On May 26, 2009, the Board received a letter from John and Nancy Calcagni, adjoining landowners to the south of Applicants' property, expressing concerns with regard to the aesthetic impact of the project, specifically the two solar trackers proposed for the south side of the Applicants' property, and requesting that the Board require a hearing prior to granting approval of this project.

On July 25, 2009, the Board received an e-mail from Peter Hetz and Marianne Kuitert, adjoining landowners to the north of the Applicants' property, stating that the Applicants had accommodated their concerns about visibility and "that the benefits of solar electricity to a sustainable energy future outweigh any arguments against their location on the Root property."

On July 30, 2009, Gregg Faber, the Hearing Officer appointed by the Board, conducted a site visit and prehearing conference in this matter. In attendance at the site visit and prehearing conference were: Gordon Root; John and Nancy Calcagni; John Cotter, Esq., on behalf of the

Vermont Department of Public Service; and David Blittersdorf, on behalf of Earth Turbines, Inc., the installer of the system. At the prehearing conference, Mr. Root expressed interest in relocating some of the solar trackers in response to the concerns raised by the Calcagnis. The Hearing Officer allowed the Applicants one week to file an amendment to the application.

On August 3, 2009, the Applicants filed a request to amend their application to relocate two of the solar trackers, previously proposed to be sited on the south side of the Applicants' property, to the north side of the property.

On August 4, 2009, the Calcagnis filed a letter with the Board withdrawing their objection to the application based on the amended configuration.

On August 13, 2009, the Hetz-Kuiterts filed a letter with the Board objecting to the reconfigured project.

On September 1, 2009, the Hearing Officer conducted a second site visit and prehearing conference in this matter. In attendance at the site visit and prehearing conference were: Gordon Root; John and Nancy Calcagni; Peter Hetz and Marianne Kuitert; and John Cotter, Esq., on behalf of the Department of Public Service.¹

II. FINDINGS

Based upon the information in the record, including the application and its accompanying documents, the Board makes the following findings in this matter.

1. The proposed net metering project is located on property owned by the Applicants at 130 Quarter Mile Road in Charlotte, Vermont. Amended Application at Section 1.

2. The proposed photovoltaic system consists of 4 solar-tracking photovoltaic arrays and will be located on the Applicants' property running east to west along the northern property boundary. Amended Application at Section 4 and attachments.

3. The proposed project has a total system-rated power output of 15.58 kW AC. The facility will be interconnected with the Green Mountain Power Corporation electrical distribution system. Amended Application at Section 4 and attachments.

1. David Blittersdorf, on behalf of Earth Turbines, Inc., the installer of the system, attended the site visit only.

4. Each array is 21.7 feet in width and 15.7 feet in height with a total height from the ground of approximately 15.9 feet. Amended Application at Section 8 and attachments.

5. The Applicants have certified that the project is in compliance with all of the provisions of Sections 3 and 8 of the application. Based on these submissions, we conclude that the project does not raise a significant issue with respect to the environmental criteria of 30 V.S.A. § 248. Application at Sections 3 and 8.

6. The Applicants have certified compliance with the insurance requirements as set forth in Section 3 of the application. Application at Section 3.

III. DISCUSSION & CONCLUSION

The Board has received comments from the Hetz-Kuiterts regarding the visual aesthetic impact of this proposed project. In the letter filed with the Board on August 13, 2009, the Hetz-Kuiterts state that they object "to the location of two of the solar arrays in our viewshed that are not covered by vegetative screening."

Board Rule 5.109(A) provides that the Board may hold a hearing for a net metering system when it determines that the system raises a substantive issue with respect to one or more of the criteria of 30 V.S.A. § 248. Pursuant to the Board's Order of April 19, 1999, in PSB Docket No. 6181, *"Investigation into the Use of a Net Metering System for the Purchase and Sale of Electricity from Small Electrical Generating Systems to and from Electric Companies,"* parties with objections or concerns must make a showing that the application raises a significant issue with respect to one or more substantive criteria applicable to the proposed net metering system. Accordingly, the Net Metering Application Form states that persons requesting a hearing regarding a net metering project "must make a showing that the application raises a significant issue regarding one or more of the substantive criteria applicable to the proposed net metering system."²

Pursuant to 3 V.S.A. § 811, the Board has read the record, including correspondence from the parties and the transcripts of the prehearing conferences (which includes Board staff's observations from the site visit), and we conclude that the Hetz-Kuiterts have not shown that the project raises a significant issue. The proposed array, at approximately 16 feet in height and

2. State of Vermont Public Service Board Application for a Certificate of Public Good for Interconnected Net Metered Power Systems, at 1.

22 feet in width, is relatively small. The visibility of the arrays from the Hetz-Kuitert property will be largely obscured by a hedgerow consisting of evergreen trees ranging from ten to twenty-five feet in height and will be only partially visible in primary views from the Hetz-Kuitert residence to the east.³ In addition, due to the tracking rotation of the arrays, the solar trackers will only extend to the full 16-foot height at certain times of the day. Therefore, visibility of the arrays from the Hetz-Kuitert property will be further obscured by the hedgerow for most of the time.

The Hetz-Kuiterts argue that while the "benefits of solar electricity to a sustainable energy future outweigh any arguments about their location" the arrays ". . . should not appear in our primary view shed."⁴ We agree that the project will likely be visible from some portions of the Hetz-Kuitert property. However, the fact that the project will be visible from the Hetz-Kuitert property does not amount to a showing that the project raises a significant issue under the substantive criteria of 30 V.S.A. § 248. Further, the Applicants have sought to mitigate the aesthetic impact of the project on neighboring properties through relocation of the project behind trees and potentially decreasing the project's energy output. Consequently, because we find that the project does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, further proceedings in this matter are unnecessary.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the photovoltaic net metering system proposed by the Applicants, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont pursuant to 30 V.S.A. § 219a, and a certificate of public good to that effect shall be issued in this matter, pursuant to 30 V.S.A. §§ 219a and 248.

3. Tr. 9/1/09 at 9-10 (Hetz).

4. Letter to the Board (sent via e-mail) dated August 13, 2009, at 2; e-mail communication to the Board dated July 25, 2009.

DATED at Montpelier, Vermont, this 17th day of September, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: September 17, 2009

Attest: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.